

**GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA**

UNSTARRED QUESTION NO:931
ANSWERED ON:22.11.2016
Environmental Clearance for Sand Mining
Joshi Shri Pralhad Venkatesh

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

- (a) whether the Government proposes to decentralise the process of granting environment clearance for mining of sand and minor minerals;
- (b) if so, the details and likely impact of the said move; and
- (c) whether the Ministry has received notice from the National Green Tribunal in this regard and if so, the details thereof?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI ANIL MADHAV DAVE)

(a): The government has notified the Environment Impact Assessment (EIA) Notification, 2006, as amended from time to time, under the Environment (Protection) Act, 1986 which deals with the process of granting Environmental Clearance. The government has further decentralized the process of granting Environment Clearance for mining of sand and minor minerals and notified the amendments in the EIA Notification, 2006, vide SO No. 141 (E) on 15.01.2016 for minor minerals with special focus on sustainable sand mining. The Ministry, vide Notification dated 15.01.2016, has also delegated the Authority of Environmental Clearance up to 5 hectare of individual mining lease of minor minerals and 25 hectares in clusters to the District Environment Impact Assessment Authority (DEIAA) headed by the District Magistrate/ District Collector. A District Expert Appraisal Committee (DEAC) has also been constituted under the chairmanship of the Executive Engineer, Irrigation Department to assist the DEIAA. The Ministry has notified the constitution of DEIAA and DEAC, vide Notification SO No. 190 (E) dated 20.01.2016.

(b): The District Magistrate is the appropriate authority to appraise the cases of small leases at District level and to monitor the implementation of conditions and mining activities in the district. Hence, the District Magistrate/District Collector has been made head of the DEIAA constituted at District level. The notification, inter-alia, emphasises the survey of minor minerals at District level. Hence, District Survey Report is to be prepared for each minor mineral in the district separately and its draft is to be placed in the public domain. The District Survey Report forms the basis for application of the environment clearance and appraisal of the projects. The Notification also emphasizes the procedure for monitoring of sand /river bed mining with respect to the monitoring of the mined out material which is key to the successful implementation of sustainable Environment Management Plan. Use of Information Technology (IT) and IT-enabled services for effective monitoring along with process reengineering has been made a part of the Notification. Detailed monitoring mechanism has been provided in the Notification.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan are ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The status of compliance of stipulated conditions of the environmental clearances of different projects, including sand mining projects, is monitored by ten Regional Offices of this Ministry in the Country. The Ministry has also requested all the State Governments to implement the provisions of the Notification in true spirit in order to ensure environmentally sustainable sand mining in the Country.

(c): Pursuant to the order of Supreme Court dated 27th February, 2012 in I.A No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. vs State of Haryana and Others etc., prior environment clearance had become mandatory for mining of minor minerals irrespective of the area of mining lease. As a result of the Supreme Court of India's Orders, the number of cases requiring environment clearance had increased substantially. Subsequently, the National Green Tribunal (NGT) vide its Order dated 13th January, 2015 had directed the Ministry for making a policy on environment clearance for mining leases in cluster for minor minerals. Taking into consideration the Orders of the Supreme Court of India and the NGT, the Ministry has notified the amendments in the EIA Notification, 2006, vide SO No. 141 (E) on 15.01.2016 for minor minerals with special focus on sustainable sand mining. One OA No.405/216 "Rajiv Surivs Union of India and others", has been filed in NGT in September, 2016 against Ministry Notification dated 15.1.2016 and 1.7.2016 related to environment clearances for sand mining and minor minerals.
